

1AP7 Rec'd PCT/P 03 APR 2006

I hereby certify that this paper (along with any paper referred to as being transmitted therewith) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

10/540782

Sharon A. Lira

(Type or print name of person mailing paper)

(Signature of person mailing paper)

Date:

March 31, 2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Dahl et al.

Serial No.: 10/540,782 ✓

Group No.: Unassigned

Int'l App. No.: PCT/US04/00868

I.A. Filed: January 13, 2004

Examiner: Unassigned

For: COMPOSITIONS AND  
METHODS FOR COMBINATION  
ANTIVIRAL THERAPY

Docket No: 269.PFUS

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## COMPLETION OF FILING REQUIREMENTS

- I. ☒ This replies to the Notice to File Missing Parts of Nonprovisional Application mailed October 3, 2005.
- ☒ A copy of the Notice to File Missing Parts of Nonprovisional Application filed under 35 U.S.C. 371 is enclosed.
- ☒ Communication RE: Notification of Missing Requirements

## DECLARATION OR OATH

- II. ☒ No original executed declaration or oath was filed and enclosed is the original executed declaration or oath for this application

OR

- ☐ The original declaration or oath which was filed was determined to be defective. A new original oath or declaration is attached.

Attached is a

- (c) ☐ Statement by a registered attorney that the application filed in the PTO is the application which the inventor executed by signing the declaration.
- (d) ☐ Statement that the "attached" specification is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.

**AMENDMENT**

III. ☐ Cancel claims \_\_\_\_\_ inclusive.

☐ Preliminary Amendment

**TRANSMITTAL OF ENGLISH TRANSLATION  
OF NON-ENGLISH LANGUAGE PAPERS**

IV. ☐ Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.

**SMALL ENTITY STATUS**

V. ☐ A verified statement that this filing is by a small entity  
☐ is attached  
☐ a separate refund request accompanies this paper  
☐ was filed on \_\_\_\_\_ (original)

**COMPLETION FEES**

VI. 1. <u>Filing fee</u>		
<input type="checkbox"/> original patent application (37 CFR 1.16 (a)----\$770.00; small entity----\$385.00)	\$	_____
<input type="checkbox"/> design application (37 CFR 1.16 (f)----\$340.00; small entity----\$170.00)	\$	_____
2. <u>fees for claims</u>		
<input type="checkbox"/> each independent claim in excess of 3 (37 CFR 1.16 (b)----\$200.00; small entity----\$100.00)	\$	_____
<input checked="" type="checkbox"/> each claim in excess of 20 (37 CFR 1.16 (c)----\$50.00; small entity----\$25.00)	\$	100.00
<input checked="" type="checkbox"/> multiple dependent claim(s) (37 CFR 1.16 (d)----\$360.00; small entity----\$180.00)	\$	360.00
3. <u>surcharge fees</u>		
<input type="checkbox"/> late payment of filing fee <b>and/or</b>		
<input checked="" type="checkbox"/> late filing of original declaration or oath (37 CFR 1.16 (e)----\$130.00; small entity----\$65.00)	\$	130.00
4. <input type="checkbox"/> petition and fee for filing by other than all the inventors or a person not the inventor (37 CFR 1.17 (h) and 1.47----\$130.00)	\$	_____
5. <input type="checkbox"/> fee for processing an application filed with a specification in a non-English language (37 CFR 1.17 (k) and 1.52 (d)----\$130.00)	\$	_____
6. <input type="checkbox"/> fee for processing and retention of application (37 CFR 1.21 (l) and 1.53 (d)----\$300.00)	\$	_____
Total completion fees		\$ 590.00

04/07/2006 GFREY1 00000155 071250 10540782

01 FC:1615	100.00 DA
02 FC:1616	360.00 DA
03 FC:1617	130.00 DA

**EXTENSION OF TIME**

VII.

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 (a) apply.

- (a) ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 CFR 1.17 (a)-(d)), for the total number of months checked below:

	Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/>	one month	\$120.00	\$60.00
<input type="checkbox"/>	two months	\$450.00	\$225.00
<input type="checkbox"/>	three months	\$1,020.00	\$510.00
<input checked="" type="checkbox"/>	four months	\$1,590.00	\$795.00
<input type="checkbox"/>	five months	\$2,160.00	\$1,080.00
		Fee \$	1,590.00

If an additional extension of time is required please consider this a petition therefor.

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 1,590.00

O R

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

**TOTAL FEE DUE**

VIII. The total fee due is

Completion fee(s) \$ 590.00

Extension fee (if any) \$ 1,590.00

TOTAL FEE DUE \$ 2,180.00

**OTHER**

- ☒ Return Postcard

**PAYMENT OF FEES**

IX.

- ☐ Check in the amount of \$ \_\_\_\_\_  
☒ Charge Account No. 07-1250 in the amount of \$ 2,180.00  
 A duplicate of this transmittal is attached.

**AUTHORIZATION TO CHARGE ADDITIONAL FEES**

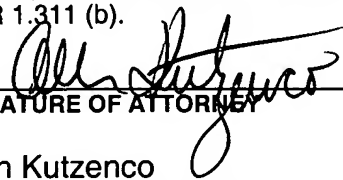
X.

- ☒ The Commissioner is hereby authorized by this document to charge any additional fees which may be required by this paper and during the entire pendency of this application to Account No. 07-1250, except the issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.311 (b).

Reg. No. 38,945

Tel. No.: (650) 522-6101

CUSTOMER NO: 25000

  
 SIGNATURE OF ATTORNEY

Allan Kutzenco  
 Type or print name of attorney

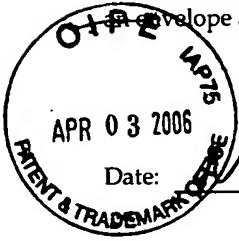
Gilead Sciences, Inc.  
 333 Lakeside Drive  
 P.O. Address

Foster City, CA 94404

04/07/2006 GFREY1 00000155 071250 10540782

04 FC:1254 1590.00 DA

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited on this date with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.



Date:

March 31, 2004

Sharon A. Lira

(Type or print name of person mailing paper)

[Signature]  
(Signature of person mailing paper)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re PATENT APPLICATION of	)	
	)	
Dahl et al.	)	Docket No. 269.PFUS
	)	
Serial No: 10/540,782	)	Customer No.: 25000
	)	
International App. No.: PCT/US04/00868	)	
	)	
I.A. Filed: January 13, 2004	)	
	)	
Title: COMPOSITIONS AND METHODS FOR	)	
<u>COMBINATION ANTIVIRAL THERAPY</u>	)	

**COMMUNICATION RE: NOTIFICATION OF MISSING REQUIREMENTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is responsive to the Notification of Missing Requirements with respect to the above-identified patent application.

The additional claims fee of \$1,850.00, and independent claims fee of \$1,200.00 were paid during the National Phase entry, as evidenced by the Transmittal Letter to the United States Designated/ Elected Office (copy enclosed). We did not, however, pay for a multiple dependent fee of \$360.00; which was inadvertently left off said transmittal.

The correct fee due today is \$360.00 (multiple dependent claim) + \$100.00 (for two additional claims from the multiple dependent) + \$130.00 late fee filing for oath surcharge + \$1,590.00 four month extension of time, which equals \$2,180.00. The Notification of Missing Requirements requests \$990.00. However, as shown above we have determined the correct fee to be \$2,180.00.

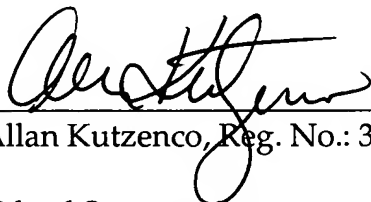
In addition, the applicant submits the fully executed Combined Declaration and Power of Attorney.

Applicant also brings to the attention of the office the International Application Number for this application. We have received documents that reflect the number PCT/US04/00868 as well as PCT/US04/000868. Please advise which number is correct.

If the Commissioner believes additional charges are due, the Commissioner is hereby authorized to charge any additional fees which may be required to Deposit Account No.: 07-1250.

Respectfully submitted,

Date: 3/31/06

By   
Allan Kutzenko, Reg. No.: 38,945

Gilead Sciences, Inc.  
333 Lakeside Drive  
Foster City, CA 94404  
(650) 522-6101- Direct  
(650) 522-5575- Facsimile

RECEIVED OCT 19 2005



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APR 03 2006

U.S. APPLICATION NUMBER	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/540,782	Terrence C. Dahl	269.PFUS

INTERNATIONAL APPLICATION NO.	
PCT/US04/00868	
I.A. FILING DATE	PRIORITY DATE
01/13/2004	01/14/2003

25000  
 GILEAD SCIENCES INC  
 333 LAKESIDE DR  
 FOSTER CITY, CA 94404

CONFIRMATION NO. 7169

371 FORMALITIES LETTER



\*OC000000017155541\*

Date Mailed: 10/03/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/27/2005
- Copy of the International Search Report filed on 06/27/2005
- Copy of IPE Report filed on 06/27/2005
- Oath or Declaration filed on 06/27/2005
- Request for Immediate Examination filed on 06/27/2005
- U.S. Basic National Fees filed on 06/27/2005
- Priority Documents filed on 06/27/2005

COPY

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of **\$860** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

**Total additional fees required for this application is \$990 for a Large Entity:**

- **\$130 Surcharge.**
- **Total additional claim fee(s) for this application is \$ 860**
  - **\$500 for 47 total claims over 20.**
  - **\$360 for multiple dependent claim surcharge.**

COPY

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

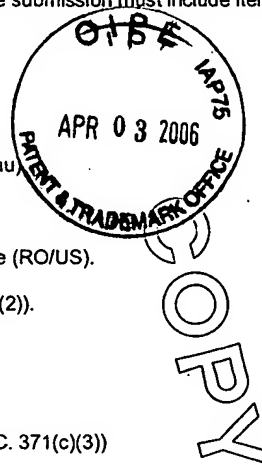
WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

**PART 1 - ATTORNEY/APPLICANT COPY**

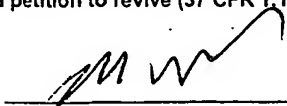
U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/540,782	PCT/US04/00868	269.PFUS

<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER <b>269.PFUS</b>
INTERNATIONAL APPLICATION NO. <b>PCT/US2004/000868</b>		U.S. APPLICATION NO. (If known, see 37 CFR 1.5)  
INTERNATIONAL FILING DATE <b>13 January 2004</b>		PRIORITY DATE CLAIMED <b>14 January 2003</b>
TITLE OF INVENTION <b>COMPOSITIONS AND METHODS FOR COMBINATIONS ANTIVIRAL THERAPY</b>		
APPLICANT(S) FOR DO/EO/US <b>DAHL, Terrence C.; MENNING, Mark M.; OLIYAI, Reza</b>		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.		
2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.		
3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.		
4. <input checked="" type="checkbox"/> The US has been elected (Article 31).		
5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <div style="margin-left: 20px;">           a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau)         </div> <div style="margin-left: 20px;">           b. <input type="checkbox"/> has been communicated by the International Bureau.         </div> <div style="margin-left: 20px;">           c. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).         </div>		
6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <div style="margin-left: 20px;">           a. <input type="checkbox"/> is attached hereto.         </div> <div style="margin-left: 20px;">           b. <input checked="" type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).         </div>		
7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <div style="margin-left: 20px;">           a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).         </div> <div style="margin-left: 20px;">           b. <input type="checkbox"/> have been communicated by the International Bureau.         </div> <div style="margin-left: 20px;">           c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.         </div> <div style="margin-left: 20px;">           d. <input checked="" type="checkbox"/> have not been made and will not be made.         </div>		
8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).		
9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).		
10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).		
Items 11 to 20 below concern document(s) or information included:		
11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.		
12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.		
13. <input type="checkbox"/> A preliminary amendment.		
14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.		
15. <input type="checkbox"/> A substitute specification.		
16. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter.		
17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.		
18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).		
19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).		
20. <input type="checkbox"/> Other items or information:		



This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO. PCT/US2004/000868		ATTORNEY'S DOCKET NUMBER 269.PFUS	
The following fees have been submitted				CALCULATIONS	PTO USE ONLY
21. <input checked="" type="checkbox"/> Basic national fee..... \$300				\$ 300.00	
22. <input checked="" type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4)..... \$100 All other situations.....\$200				\$ 200.00	
23. <input checked="" type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....\$100 International Search Report prepared and provided to the Office.....\$400 All other situations.....\$500				\$ 400.00	
TOTAL OF 21, 22 and 23 =				\$ 900.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250	\$	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	57 - 20 =	37	x \$ 50	\$ 1,850.00	
Independent claims	9 - 3 =	6	x \$200	\$ 1,200.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$	
TOTAL OF ABOVE CALCULATIONS =				\$ 3,950.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.					
SUBTOTAL =				\$ 3,950.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$	
TOTAL NATIONAL FEE =				\$ 3,950.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
TOTAL FEES ENCLOSED =				\$ 3,950.00	
COPY				Amount to be refunded:	\$
				Amount to be charged:	\$3,950.00
<p>a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>07-1250</u> in the amount of <u>\$3,950.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>07-1250</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>					
<p>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.</p> <p>SEND ALL CORRESPONDENCE TO:</p> <p>Gilead Sciences, Inc.          333 Lakeside Drive          Foster City, CA 94404</p>					
				 SIGNATURE Mark L. Bosse NAME 35,071 REGISTRATION NUMBER	